IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Bail Appl..No. 1732 of 2007()

CRIME NO.41/2007 OF KOLLAM WEST POLICE STATION

PETITIONER/ACCUSED

SHAFEEK,S/O.SHARAFUDEEN,THOPPIL NAGAR,
KURIPPUZHA CHERI,KOLLAM WEST VILLAGE,KOLLAM DIST.

BY ADV. SRI.S.M.ALTHAF

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA REP.BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1732/2007

Dated this 23rd day of March, 2007

O R D E R

The petitioner, who is the accused in Crime No.41/2007 of Kollam West Police Station for offences punishable under Sections 324, 308 and 452 IPC, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 12.00 midnight on 26.2.2007, the accused armed with a sword criminally trespassed into the house of the defacto complainant after breaking open the door and assaulted the defacto complainant. The motive for the occurrence is the unfounded suspicion which he has entertained that the defacto complainant was the man behind the attack on his brother.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer and then to have his application for regular bail ordered by the Magistrate concerned. Accordingly, the petitioner is directed

to surrender before the Investigating Officer on any day between 28.3.2007 and 30.3.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioner shall, thereafter, be produced on the same day before the Magistrate having jurisdiction. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail preferably on the same day on which it is filed.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs